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ROBERT L. DARDEN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT L. DARDEN,

Plaintiffs,

vs.

USS-POSCO INDUSTRIES, a Delaware  
corporation; MARIANE SMITH, a California  
resident; MICHAEL CONNALLY, a California  
resident; and DOES 1-20,

Defendants.

Case No. CV-08-05191-CRB

**STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE AND  
RELATED DEADLINES**

Plaintiff Robert L. Darden and Defendants USS-Posco Industries, Mariane Smith, and Michael Connally, by and through their respective counsel, hereby stipulate as follows:

1. On January 29, 2009, after hearing on (i) Plaintiff's Motion to Remand and (ii) Defendants' Motion to Dismiss Plaintiff's Second Cause of Action, the Court granted Defendants' Motion to Dismiss with leave to amend and denied Plaintiff's Motion to Remand without prejudice. The Court further ordered Plaintiff to submit an Amended Complaint, if any, within twenty (20) days.

2. Plaintiff's counsel indicated that Plaintiff would likely file an Amended Complaint. Should Plaintiff file an Amended Complaint, the parties anticipate further motion practice regarding the sufficiency of Plaintiff's harassment claim against the California-resident Defendants Smith and Connally and thus the Court's jurisdiction over this case.

3. Pending the Court's final determination of whether it has jurisdiction over this case, the parties hereby stipulate and respectfully request that the Court continue the Initial Case Management Conference in this action, currently scheduled for February 20, 2009, and all related deadlines, by approximately sixty (60) days, as follows:

EVENT	EXISTING DEADLINE	NEW DEADLINE
Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan	January 30, 2009	March 31, 2009
Last day to file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	January 30, 2009	March 31, 2009
Last Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	February 13, 2009	April 14, 2009
Initial Case Management Conference	February 20, 2009	April 21, 2009

4. Continuing the above deadlines in this fashion will allow the parties to avoid the time and expense of meeting federal initial disclosure and case management obligations until they are

1 certain that the case will remain in federal court. Further, neither the parties nor the Court will be  
2 prejudiced by such a continuance.

3 IT IS SO STIPULATED.

4  
5 DATED: January 29, 2009

Respectfully submitted,

6 NIXON PEABODY LLP

7  
8 By: /s/ Matthew J. Frankel  
9 JOSHUA M. HENDERSON  
10 MATTHEW J. FRANKEL  
11 Attorneys for Defendants  
12 USS-POSCO INDUSTRIES, MARIANE  
13 SMITH, and MICHAEL CONNALLY

14  
15 DATED: January 29, 2009

Respectfully submitted,

16 THE VENARDI ELAM FIRM, LLP

17 By: /s/ H. Larry Elam  
18 H. LARRY ELAM III  
19 Attorneys for Plaintiff  
20 ROBERT L. DARDEN

21 IT IS SO ORDERED.

22 Dated: February 2, 2009

23 By: \_\_\_\_\_

